

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JAMES E. COHAN,

Plaintiff

v.

ERIC GOODMAN, et al.,

Defendants

Case No.: 2:20-cv-01185-APG-BNW

**Order Accepting Report and  
Recommendation**

[ECF No. 5]

On December 8, 2020, Magistrate Judge Weksler recommended that plaintiff James Cohan's claims against Judge Goodman, the deputy district attorneys, and the deputy public defenders be dismissed with prejudice because Judge Goodman and the district attorneys are entitled to immunity and the deputy public defendants are not state actors for purposes of 42 U.S.C. § 1983. ECF No. 5. She also recommended that I dismiss the Las Vegas Metropolitan Police officers with leave to amend. Cohan objects to dismissal of his claims with prejudice. I conducted a de novo review under 28 U.S.C. § 636(b)(1), and I overrule Cohan's objection. He does not explain how amendment would not be futile given that Judge Goodman and the district attorneys are entitled to immunity and the public defenders are not state actors under § 1983.

I THEREFORE ORDER that Magistrate Judge Weksler's report and recommendation **(ECF No. 5) is accepted** and plaintiff James Cohan's claims against defendants Judge Goodman, the district attorneys, and the public defenders are **DISMISSED** with prejudice. Cohan's claims against the Las Vegas Metropolitan Police officers are dismissed without prejudice.

I FURTHER ORDER that plaintiff James Cohan may file an amended complaint curing the deficiencies identified in Judge Weksler's report and recommendation with respect to the

1 defendant Las Vegas Metropolitan Police officers by February 12, 2021. Failure to do so will  
2 result in dismissal of these claims without prejudice and closure of the file.

3 DATED this 8th day of January, 2021.

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5 ANDREW P. GORDON  
6 UNITED STATES DISTRICT JUDGE  
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